

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHANNA PAZ et al., :
Plaintiffs, :
-v.- :
IGNACIO PIEDRA et al., :
Defendants. :
-----X

ORDER
09 Civ. 3977(LAK) (GWG)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>12010</u>
DATE FILED: <u>12010</u>

GABRIEL W. GORENSTEIN, United States Magistrate Judge

1. Disclosure of the identities and reports of experts, if any, as required by Rule 26(a)(2)(A) and (B) will be made by March 26, 2010.

The disclosure of identities and reports of any expert intended by an opposing party solely to contradict or rebut previously-disclosed expert evidence shall be made by April 9, 2010.

2. No discovery shall take place after April 23, 2010.
3. The parties shall inform each other in writing by April 23, 2010, whether either intends to file a dispositive motion.
4. Any dispositive pretrial motions shall be filed by May 7, 2010.
5. If no party states its intention to file a dispositive pre-trial motion, plaintiffs will supply pretrial order materials to defendants in accordance with the requirements of the rules of the assigned District Judge on or before May 7, 2010. The pre-trial order shall be filed within 15 days thereafter. If, however, a dispositive motion is served on or before the date in the previous paragraph, the due date of the plaintiff's portion of the pretrial order materials shall be extended to 30 days following decision on the dispositive motion and the pretrial order shall be filed within 15 days thereafter.
6. All discovery (including requests for admission and any applications to the Court with respect to the conduct of discovery) must be initiated in time to be concluded by the deadline for all discovery. Any application for an extension of the time limitations herein must be made as soon as the cause for the extension becomes known to the party making the application. The application also must state the position of all other parties on the proposed extension and must show good cause therefor not foreseeable as of the date of

this Order. 'Good cause' as used in this paragraph does not include circumstances within the control of counsel or the party. Any application not in compliance with this paragraph will be denied. Failure to comply with the terms of this Order may also result in sanctions.

7. All applications to the Court must comply with this Court's Individual Practices, which are available through the Clerk's Office or at: http://www1.nysd.uscourts.gov/judge_info.php?id=67 . Discovery applications -- that is, any application or motion pursuant to Rules 26 through 37 or 45 -- not only must comply with ¶ 2.A. of the Court's Individual Practices but also must be made promptly after the cause for such an application arises. In addition, absent extraordinary circumstances no such application will be considered if made later than 30 days prior to the close of discovery. Untimely applications will be denied.
8. The parties are required to make affirmative attempts to settle this matter through discussions among counsel. If the parties are unable to settle the case by such means, they are required to use mediation to assist them in achieving settlement. Such mediation may be conducted by an outside mediator paid for by the parties, a trained mediator participating in the Southern District of New York's mediation program, or the undersigned. Within 10 days of the date of this Order, the parties are directed to contact each other in an attempt to reach agreement as to (a) which form of mediation will be employed and (b) approximately when the mediation should take place. Plaintiff shall write a letter to the undersigned within 30 days of the date of this Order to report on the outcome of these discussions. If opposing counsel believes the letter does not accurately reflect those discussions, counsel may promptly submit a letter in response.

SO ORDERED.

Dated: January 19, 2010
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge